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IN THE

**Supreme Court of the United States**

OCTOBER TERM, 1946.

No.  17

THE UNITED STATES, *Petitioner*

v.

JOHN J. FELIN & Co., INC.

ON PETITION FOR A WRIT OF CERTIORARI TO  
THE COURT OF CLAIMS.

**MEMORANDUM FOR THE RESPONDENT.**

The primary question presented in this case is whether the maximum prices prescribed by regulation of the Office of Price Administration constitute a controlling measure of just compensation under the Fifth Amendment to the Constitution where private property was requisitioned by the United States. The Court of Claims found in the present case that the value of the property was higher than the prescribed maximum prices in effect at the time of the requisition and gave judgment to respondent on basis of the court's independent determination of value.

We believe that the Court of Claims was clearly right in holding that respondent is entitled to compensation on basis of value and that recovery is not limited to the maximum "market prices" prescribed by the Price Administrator when such prescribed prices were lower than the actual value. However, in view of the importance of the question we do not oppose the granting of the writ sought in the petition.

Respectfully submitted,

WILBUR LA ROE, JR.

FREDERICK E. BROWN

ARTHUR L. WINN, JR.

*Attorneys for Respondent.*

February, 1947.